

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF NEW YORK

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EDWARD HONIG

Plaintiff,

-against-

FORSTER & GARBUS, LLP,

Defendant.
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LINDSAY, Magistrate Judge:

Before the court is the defendant's letter application dated September 25, 2012, seeking to compel the plaintiff to appear for a deposition and requesting that the court so order a subpoena for the plaintiff's daughter. Both requests are denied. Although counsel for the defendant contends that his efforts to set a start time for the plaintiff's deposition have been fruitless, it is defense counsel's conflict that is now preventing the deposition from going forward on October 16 as agreed. Defense counsel is directed to contact plaintiff's counsel to discuss a mutually agreeable time for the plaintiff's deposition. With respect to the plaintiff's daughter, the court does not need to so order her non-party subpoena. The defendant has not attempted to serve the plaintiff's daughter with a subpoena and, instead, seeks to bypass the process with this application.

Dated: Central Islip, New York
October 10, 2012

SO ORDERED:

_____/s/_____
ARLENE ROSARIO LINDSAY
United States Magistrate Judge